

FISCAL NOTE

TO: Chief Clerk of the Senate
Chief Clerk of the House

FROM: James A. Davenport, Executive Director

DATE: March 13, 1995

SUBJECT: **SB 1441 - HB 901**

This bill, if enacted, will among other things, revise the Voluntary Cleanup Oversight and Assistance Program where parties who are willing and able to conduct an investigation and cleanup of an inactive hazardous substance site may do so with departmental oversight upon entering into a consent order outlining the steps to be taken for investigation, cleanup, monitoring, maintenance and oversight cost reimbursement and a participation fee of \$5,000. No credit for this fee shall be made from the remedial action fund and the fee shall be in addition to any other assessed fee. The Commissioner of Environment and Conservation is authorized to expend monies from the remedial action fund to pay a portion of the investigation, cleanup, monitoring, maintenance, and oversight of an inactive hazardous substance site to the extent such expenditures are allocated under the consent order to liable parties (whether identified or not) other than the potentially liable party conducting the investigation and cleanup of the inactive hazardous substance site. The commissioner is authorized to seek recovery from such expenditures from the remedial action fund from other liable

parties in the full amount of their respective allocated share of liability by any legal remedy through the exercise of his powers and duties.

The commissioner may not assess the potentially liable party participating in the voluntary program for a share of liability greater than the allocation, in the event the responsible party participating in the voluntary program does not fulfill the requirements as established in the consent order.

The fiscal impact from enactment of this bill is estimated to result in an increase in state expenditures to the Hazardous Waste Remedial Action Fund for investigation, cleanup, monitoring, maintenance, and oversight; however, such increase cannot be reasonably determined but is estimated to exceed \$100,000.

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James A. Davenport". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

James A. Davenport, Executive Director